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AUG 16 2007

Status of Claims

This Amendment accompanies a Request for Continued Examination.

Claims 1 and 11 have been amended.

Claims 1-5, 7-16 and 18 are pending.

Reconsideration of the pending claims in light of the amendments and following remarks is respectfully requested.

Claim Rejections – 35 USC 102(e)

Claims 1, 2, 4, 7-9, 11, 12, 14 and 18 stand rejected under 35 U.S.C 102(e) over Peters et al. (U.S. Pat. No. 6,590,969, hereinafter, "*Peters*"). These rejections are respectfully traversed.

Assignee respectfully submits that *Peters* does not recite each and every element of the rejected claims, as required by 35 U.S.C 102(e), and, therefore, a prima facie case under 35 U.S.C. 102(e) has not been established.

With regard to Claim 1, as amended, *Peters* does not appear to disclose or otherwise suggest "sending to the terminal a proposal of an address of said at least one other communication system by utilizing a data transmission connection set up between the terminal and a first communication system to be accepted and/or to activate the redirection, wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal" and "receiving, from the terminal, an acceptance based on the proposal and user input regarding the proposal", and "in response to the acceptance, automatically setting up a redirection of calls to the terminal to the at least one other communication system".

Although *Peters* appears to show a method of routing incoming calls, it is important to note that such calls are automatically forwarded to a destination assigned by a "presence gatherer". See, for example, col 4:13 – col 4:48. In *Peters*, it appears that the "presence gatherer" determines a suitable terminal in which to forward the call. This is contrary to Claim 1 in which a proposal is sent to the terminal and an acceptance based on the proposal and user input regarding the proposal is received.

Therefore, because *Peters* fails to show or describe each and every element of the rejected claims, a sufficient showing of anticipation has not been established, and Claim 1 is in condition for allowance, as are Claims 2, 4, and 7-9 which depend there from.

Similarly, with regard to Claim 11, as amended, *Peters* does not appear to disclose or otherwise suggest "wherein the data transmission connection is capable of transmitting the address of the at least one other communication system as a proposal to the first terminal, wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal, said first communication system being capable of receiving, from the first terminal, an acceptance based on the proposal and user input regarding the proposal and automatically setting up a redirection of calls to the terminal to the at least one other communication system in response to the acceptance".

It seems clear that the "presence gatherer" in *Peters* determines a suitable terminal in which to forward the call and as such a proposal is not sent to the terminal and an acceptance based on the proposal and user input regarding the proposal is not received.

Therefore, because *Peters* fails to show or describe each and every element of the rejected claims, a sufficient showing of anticipation has not been established, and Claim 11 is in condition for allowance, as are Claims 11, 12, 14 and 18 which depend there from.

Assignee respectfully submits that because *Peters* does not appear to disclose each and every element of the rejected claims, a prima facie case under 35 U.S.C. 102(e) has not been established, and all pending claims are therefore patentable over *Peters*.

Claim Rejections – 35 USC §103(a)

Claim 5 (depending from Claim 1) and **Claim 15** (depending from Claim 11), stand rejected under 35 USC 103(a) over *Peters* in view of Lindberg et al. (U.S. Pub. No. 20030140145, hereinafter "*Lindberg*").

Claim 3 (depending from Claim 1) and **Claim 13** (depending from Claim 11), stand rejected under 35 USC 103(a) over *Peters* in view of De Loye et al. (U.S. Pub. No. 20020115471, hereinafter "*De Loye*").

Claim 10 (depending from Claim 1) and **Claim 16** (depending from Claim 11), stand rejected under 35 USC 103(a) over *Peters* in view of Goss et al. (U.S. Pub. No. 20020137498, hereinafter "*Goss*"). Each of these rejections is respectfully traversed.

Note that each of these rejected claims depends from either independent Claim 1 or 11, both of which as described above appear to be clearly patentable over *Peters*. Consequently, all of the claims that depend from Claims 1 and 11 are also clearly patentable over *Peters*.

The Examiner is reminded that to successfully make a prima facie rejection under 35 USC § 103, the Examiner must show that Assignee's claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See KSR International, Co. v. Teleflex, Inc., 550 U.S. ____ (decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee's claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See USPTO Memo entitled "Supreme Court decision on KSR Int'l. Co. v. Teleflex, Inc." (May 3, 2007). One way in which an Examiner may

establish a prima facie case of unpatentability under 35 USC § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in combination, disclose or suggest every element of Assignee's claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); See MPEP § 2142; 2143 - § 2143.03 (regarding decisions pertinent to each of these criteria). It is respectfully asserted that the Examiner has not met these standards.

Peters appears to show a method of routing incoming calls, it is important to note that such calls are automatically forwarded to a destination assigned by a "presence gatherer". *Lindberg* appears to describe establishing communication sessions via session invitations that are automatically handled by an intermediate device. *Goss* appears to describe automatically forwarding calls without user interaction (e.g., when the mobile unit is powered off). *De Loye* appears to describe automatically forwarding calls from a mobile terminal to a local office device through a short range interface.

However, neither *Peters*, *Lindberg*, *De Loye*, and/or *Goss*, alone or in combination, appear to disclose or otherwise suggest "sending to the terminal a proposal of an address of said at least one other communication system by utilizing a data transmission connection set up between the terminal and a first communication system to be accepted and/or to activate the redirection, wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal" and "receiving, from the terminal, an acceptance based on the proposal and user input regarding the proposal", and "in response to the acceptance, automatically

setting up a redirection of calls to the terminal to the at least one other communication system” as recited in Claim 1, from which Claims 3, 5 and 10 depend.

Similarly, neither *Peters, Lindberg, De Loye*, and/or *Goss*, alone or in combination, appear to disclose or otherwise suggest “wherein the data transmission connection is capable of transmitting the address of the at least one other communication system as a proposal to the first terminal, wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal, said first communication system being capable of receiving, from the first terminal, an acceptance based on the proposal and user input regarding the proposal and automatically setting up a redirection of calls to the terminal to the at least one other communication system in response to the acceptance” as recited in Claim 11, from which Claims 13, 15 and 16 depend.

As mentioned, a motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. It is respectfully submitted that this situation is not at all like the situation in KSR v. Teleflex, cited previously, because in that case it was determined that a motivation for the proposed combination did exist. Here, even if we assume that is the case, which is not conceded, still the proposed combination would fail to provide all the elements of the rejected claims as pointed out above.

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignees failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Attorney Docket: 012.P28085

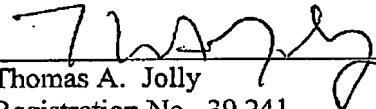
Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Thomas A. Jolly, at (503) 439-6500 if there remains any issue with allowance.

Respectfully submitted,

Dated: 8/16/2007



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